

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 1-8 are pending. Claims 1-3 are amended. The title is changed to be more clearly indicative of the invention to which the claims are directed.

Claims 1-3, 5, and 6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 2005/0056472). Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over DE 197 25 336 A1 in view of Smith et al. (US 2005/0056472). These rejections are respectfully traversed. The filing date of Smith et al. is September 13 2003, which is later than both the priority date (August 30, 2003) and the filing date (August 27, 2003) of the present application. Therefore, the Smith et al. document does not qualify as prior art under 35 U.S.C. 102(e) and 35 U.S.C. 103(a). Thus, the 35 U.S.C. 102(e) and 35 U.S.C. 103(a) rejections of claims 1-8 using the Smith et al. document should be withdrawn.

Claims 1-3 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by DE 197 25 336 A1. Claims 4, 7, and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. or DE 197 25 336 A1. Claim 1 is amended to recite an assembly comprising a housing (10), a battery (16), and a control module (18). The battery and the control module are disposed in the housing. The housing has an air inlet (20, 20') and an air outlet (22). The air outlet (22) is adapted to be connected with an intake system of an engine of

a motor vehicle. DE 197 25 336 A1 does not disclose or suggest all of these features claimed in claim 1. In particular, DE 197 25 336 A1 fails to disclose or suggest a control module. Therefore, claim 1 is allowable. Claims 2, 4, and 6 depend from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

Claim 3, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the housing has a separate housing and the control module is disposed in the separate housing. DE 197 25 336 A1 does not disclose or suggest this feature. Therefore, claim 3 is allowable.

Claim 5, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the air inlet (20) sucks in air from an air-conditioning system. As also admitted by the examiner, DE 197 25 336 A1 does not disclose this feature. Therefore, claim 5 is allowable.

Claim 7, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the battery (16) is disposed downstream of the control module (18). DE 197 25 336 A1 does not disclose or suggest this feature. Therefore, claim 7 is allowable.

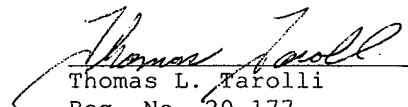
Claim 8, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the control module (18) is accessible only after removal of the battery (16). DE 197 25 336 A1 does not

disclose or suggest this feature. Therefore, claim 8 is allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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